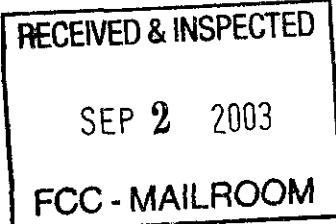


DOCKET FILE COPY ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554



In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No. 03-162  
FM Table of Allotments ) RM-10723  
(Linden and Marion, Alabama) )  
 )

To: The Commission

COMMENTS

Beckham Palmer, III., as Receiver, licensee of WNPT-FM, Linden, Alabama, Facility ID No. 37721 ("Petitioner"), herewith submits his Comments in response to the Notice of Proposed Rulemaking (DA 03-2260 ), released July 14, 2003 ("NPR"), in which the Commission proposed the reallocation of Channel 275C2 from Linden to Marion, Alabama, and the modification of Station WNPT-FM's license accordingly, thereby amending Section 73.202(b) of the Commission's Rules, FM Table of Allotments, as follows:

	Channel No.	
City	Present	Proposed
Linden, Alabama	253C1, 275C2	253C1
Marion, Alabama	—	275C2

No. of Copies rec'd 045  
List APODE

1. Petitioner hereby reiterates his interest in and support for the proposed allotment and restates his present intention to apply for a construction permit to modify the currently licensed facilities of WNPT-FM in accordance with the proposed allotment and to construct the authorized facilities, promptly, in the event the proposed allotment is implemented.

2. The attached Technical Statement, prepared by Olvie E. Sisk, provides the "gain and loss area study" which the NPR directed the Petitioner to submit. See: NPR at para. 3 As reflected in the attached Technical Statement, the areas of gain or loss include no unserved or underserved areas, all areas of gain and loss being served by at least 25 existing services. As further reflected in the attached Technical Statement:

(a) The common area consists of 5417.74 sq. km. and has a population of 50,384.

(b) The area losing service consists of 3128.14 sq. km., has a population of 29,849 persons and is served by 28 existing services.

(c) The area gaining service consists of 3126.42 sq. km., has a population of 59,465 persons and is served by 26 existing services.

(d) WNPT-FM currently serves a total area of 8618 sq. km., which has a population of 80,000. Were the re-allotment implemented as proposed by the Commission, WNPT-FM would serve a total area of 8582 sq. km. and a population of 109,849. This would involve an overall loss of 36 sq. km., but a gain in total population of 29,849 persons, a 37.3% increase.

3. Thus, as reflected in the attached Technical Statement, there are no unserved or underserved areas within either the gain or the loss areas, all of which are served by at least 25 existing services (excluding WNPT-FM); the proposed allotment would result in a significant (37.3%) overall increase in total population served; the gain area is served by fewer stations than the loss area (26 v 28); while the gain area has almost twice the population of the loss area (59,465 v. 29,849).

4. The re-allotment of FM Channel 275C2 from Linden, Alabama to Marion, Alabama, and modification of the authorized facilities of WNPT-FM to specify operation on Channel 275C2 at Marion will provide the community of Marion, Alabama with its first FM service and will provide the surrounding area with improved FM service from the only fulltime, fullpower facility licensed to Marion. While WJUS(AM) is currently licensed to Marion, it is authorized to operate with a power of only 0.034 kilowatts during nighttime hours. Thus, Marion currently has no cognizable locally licensed nighttime service.

5. As reflected in the technical statement which accompanied Petitioner's Petition for Rulemaking, the population of Marion, Alabama, is 4467, significantly larger than that of Linden, Alabama, which is only 2773, yet Marion currently has no local FM service and only 0.034 kilowatts

of local AM service during nighttime hours. Furthermore, WNPT-FM is currently licensed to Linden in Marengo County, which while having a population of 25,047 is served by 4 FM stations, licensed to communities within the county, including WNPT-FM. However, Marion County, in which Marion is located, is served by a single, local AM service, WJUS(AM), despite having a significantly larger population of 30,041.

6. Considering the proposed allotment in light of the Commission's established allocation criteria, the proposal does not involve either a first service or a second service. However, as indicated above, the proposed allotment would provide a first local FM service and the first fulltime local service to Marion, Alabama and Marion County. In addition, the proposed allotment would provide an overall 37.3% increase in the population served by the station. Finally, while the areas gaining and losing service are both well served, the area gaining service has almost twice the population of the area losing service, while having fewer existing services. Accordingly, the proposed re-allotment of FM Channel 275C2 from Linden to Marion, Alabama, would provide a more efficient allocation and further the public interest, consistent with the Commission's well established allotment criteria.

WHEREFORE, for the foregoing reasons, the Commission should amend Section 73.202(b) of its Rules to:  
(a) re-allot FM Channel 275C2 from Linden, Alabama to Marion, Alabama, and (b) modify the authorized facilities of WNPT-FM to specify operation on Channel 275C2 at Marion, Alabama, as proposed in the NPR.

Respectfully Submitted,

BECKHAM PALMER, III.,  
AS RECEIVER

By:   
Beckham Palmer, III.

2728 6th Street  
Tuscaloosa, AL 35401  
205-349-4977  
August \_\_, 2003

## **TECHNICAL NARRATIVE FOR MARION, ALABAMA**

This engineering narrative is in reply to paragraph 3 of the notice of proposed rule making, RM 10723 in the docket no 03-162, adopted July 9 2003 and circulated July 14 2003.

WNPT is presently assigned to operate with 40,000 watts with an antenna height of 165 meters above average terrain. This is the same as a full class C-2. Its verified contour incorporated an area of 8618 square kilometers containing a population of 80,000 persons.

If this proposal is, approved WNPT will cover an area of 8582 square kilometers. This area contains 109,849 persons.

At the Marion Alabama proposed site WNPT would expand to 29,849. This would be an accumulation of 37.3 percent improvements.

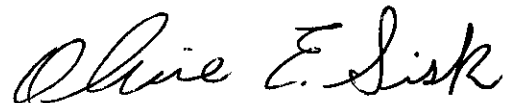
Exhibit 1 demonstrated the present 60 dbu contour at the Linden site. This exhibit comprises the eight radials we used in making the computations to assess the distance to the 60 dbu contour. The scheme the commission set out in rule 47 cfr section 73.313 was

utilized to make these contour computations.

Exhibit 3 and 4 characterize the existing and proposed 60 dbu contour coverage. These exhibits validated all of the services obtainable to both the gain and loss area. If you study these exhibits, you can immediately obtain that the area losing service will still maintain service from 28 other stations. The gain area as can be seen, will receive service from 26 stations. As can be seen in these exhibits, no area will be received less than 5 services. This applies to both the gain and loss area. A list of all the stations involve both am and fm in this study can be found in exhibit 5.and 6.

Exhibit 7 is a computer-generated map that displays the present and proposed sites with the contours drawn on this map. The loss area consists of 3128.14 Square kilometers and the gain area 3126.42 square kilometers. The proposed site will cover 109,849 persons as compared to the present authorized which has a population of 80,000. The new site will have an increase of 29,849 persons. The common area between the two sites will have population count of 50,384 and cover 5417.74 square kilometers. This population is common to both sites there would no gain or loss of service. The area that will receive the new signal will contain 59,465 persons. And the area losing service will have 29,849 persons.

This technical narrative was prepared by Olvie E.Sisk whose qualifications are a matter of record with the Federal Communications Commission. All of this report and exhibits were prepared by me and all the information contain in this report is true and correct to the best of my knowledge and belief.



Olvie E. Sisk  
Sisk Engineering Inc.  
P.O. Box 2116  
Tupelo, Ms 38803  
August 22, 2003

#### KEY TO EXHIBITS

Exhibit 1 Proposed site

Exhibit 2 Present site

Exhibit 3 Contours of all stations

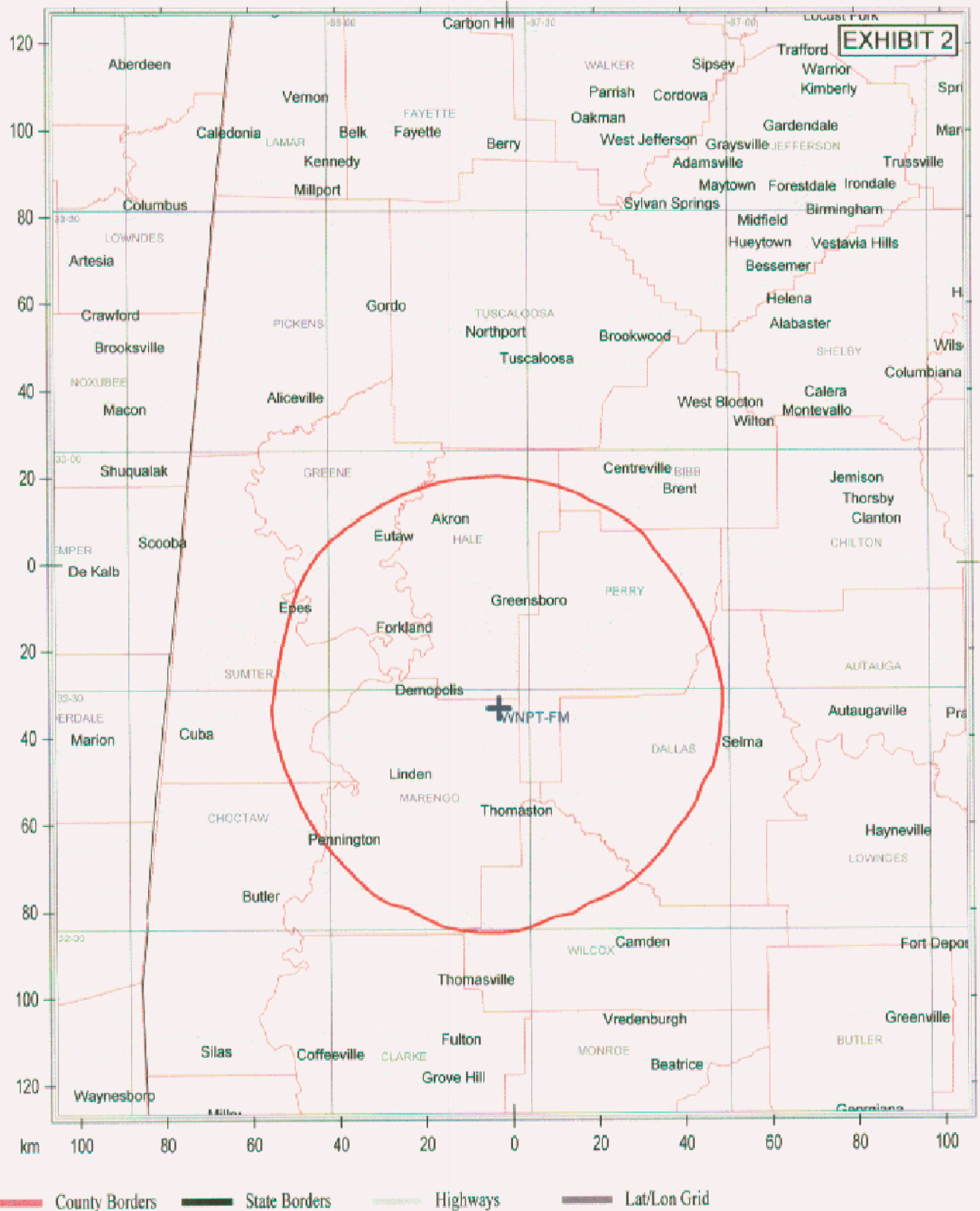
Exhibit 4 A.M. stations

Exhibit 5 F.M. stations

Exhibit 6 Gain and loss areas









Map Scale: 1:1513068    1 cm = 15.13 km    V\H Size: 309.18 x 248.42 km

## EXHIBIT 4

Call Sign	State	City	Freq	ERP_w	Class	Status	Effeciency	Distance
WACT	AL	TUSCALO	1420	5	D	LD	950.038	229.06
WBIB	AL	CENTREV	1110	1	D	LD	299.34	270.77
WHBB	AL	SELMA	1490	1	C	LU	423	325.47
WJDB	AL	THOMASV	630	1	D	LD	286.46	347.24
WJOX	AL	BIRMINGH	690	50	B	LD	2389.738	249.13
WJUS	AL	MARION	1310	5	D	LD	773.702	291.93
WKLF	AL	CLANTON	980	1	D	LD	317.04	311.28
WSPZ	AL	TUSCALO	1150	5	B	LD	683.745	219.3
WTSK	AL	TUSCALO	790	5	D	LD	658.522	225.95
WWPG	AL	TUSCALO	1280	5	B	LD	690.923	224.48
WXAL	AL	DEMOPOL	1400	0.79	C	LU	308.154	281
WYLS	AL	YORK	670	4.8	D	LD	631.152	264.51

## EXHIBIT 5

Call Sign	State	City	Freq	ERP_w	Class	Status	Distance
WZZK-FM	AL	BIRMINGH	104.7	97800	C0	LIC	118.4
WZRR	AL	BIRMINGH	99.5	100000	C	LIC	116.2
WZNJ	AL	DEMOPOL	106.5	11500	C3	LIC	100.28
WZBQ	AL	CARROLL	94.1	98000	C	LIC	153.68
WYVC	AL	CAMDEN	102.3	6000	A	LIC	70.18
WYSF	AL	BIRMINGH	94.5	100000	C	LIC	116.2
WXFX	AL	PRATTVIL	95.1	50000	C2	LIC	33.32
WTXT	AL	FAYETTE	98.1	100000	C1	LIC	138.29
WTUG-FM	AL	TUSCALO	92.9	100000	C1	LIC	102.47
WSLY	AL	YORK	104.9	50000	C2	LIC	141.98
WRTR	AL	TUSCALO	105.5	6000	A	LIC	112.46
WQZZ	AL	EUTAW	104.3	4700	A	LIC	114.26
WQEN	AL	TRUSSVIL	103.7	91000	C1	APP	114.39
WOKK	MS	MERIDIAN	97.1	100000	C1	LIC	182.06
WNPT-FM	AL	LINDEN	102.9	40000	C2	LIC	77.11
WMJJ	AL	BIRMINGH	96.5	100000	C0	LIC	114.39
WKZB	AL	BUTLER	93.5	32000	C2	LIC	165.63
WKXK	AL	PINE HILL	96.7	9000	C3	LIC	87.39
WJDQ	MS	MERIDIAN	101.3	99000	C1	LIC	182.58
WJDB-FM	AL	THOMASV	95.5	9600	C3	LIC	121.03
WJAM-FM	AL	ORRVILLE	97.3	3700	A	LIC	37.86
WINL	AL	LINDEN	98.5	100000	C1	LIC	97.58
WDXX	AL	SELMA	100.1	50000	C2	LIC	24
WDXB	AL	JASPER	102.5	90000	C1	LIC	114.39
WDJC-FM	AL	BIRMINGH	93.7	100000	C	LIC	114.34
WDGM	AL	GREENSB	99.1	25000	C3	APP	97.61
WBPT	AL	BIRMINGH	106.9	97000	C0	LIC	118.4
WBMH	AL	GROVE HI	106.1	12000	C3	LIC	133.73
WBHJ	AL	TUSCALO	95.7	100000	C1	LIC	88.31
WBFZ	AL	SELMA	105.3	50000	C2	LIC	49.87
WBEI	AL	REFORM	101.7	22500	C2	LIC	136.18
WAYI	AL	THOMAST	97.7	3700	A	CP	95.14
WAQU	AL	SELMA	91.1	21500	C3	LIC	62.94
WANZ	AL	NORTHPC	100.5	85000	C1	CP MOD	88.42
WALX	AL	SELMA	100.9	50000	C2	LIC	12.73
!Proposed			102.9	50000	A	APP	66.73



